

2010R00074
GSC/ESW/grUNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,
v.

AREF ABUHADBA,

Defendant.

Honorable Dennis M. Cavanaugh, U.S.D.J.

Criminal No. 13- CR - 345

CONSENT JUDGMENT AND
ORDER OF FORFEITURE

WHEREAS, on or about May 14, 2013, the United States filed a one-count Information against Aref Abuhadba (the "Defendant"), charging him with conspiracy to traffic in counterfeit goods, 18 U.S.C. § 2320, in violation of 18 U.S.C. § 371; and

WHEREAS, on or about May 14, 2013, the Defendant pled guilty to the Information; and

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of conspiring to commit an offense in violation of 18 U.S.C. § 2320 shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense to which the Defendant has pled guilty; and

WHEREAS, by virtue of the above, the United States is now entitled to the sum of \$200,000.00 as property that constitutes or is derived from proceeds traceable to the Defendant's violation of 18 U.S.C. § 2320; and

WHEREAS if by any act or omission of the Defendant, any property subject to forfeiture:

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of the Defendant up to the value of the property subject to forfeiture pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c); and

WHEREAS the United States has not, as of this date, identified specific assets that constitute or are derived from proceeds traceable to the offense of the Defendant, nor has the United States yet identified any property of the Defendant that could be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p); and

WHEREAS defendant Aref Abuhadba:

- (1) Consents to the forfeiture to the United States of \$200,000.00 as property that constitutes or is derived from proceeds traceable to the offense to which he pled guilty;

(2) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of property;

(3) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(4) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;

(5) Agrees, pursuant to Rule 32.2(b)(3), to consent promptly to the finalization of the order of forfeiture before sentencing if requested by the government to do so;

(6) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the property described above; and

(7) Waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this Consent Judgment;

WHEREAS Rule 32.2(c)(1) provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment; and

WHEREAS good and sufficient cause has been shown,

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

THAT, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), defendant Aref Abuhadba shall forfeit to the United States the sum of \$200,000.00; and

IT IS FURTHER ORDERED that a money judgment in the amount of \$200,000.00 shall be entered against the Defendant Aref Abuhadba; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e); and

IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(4)(A), this Order of Forfeiture shall become final as to the Defendant at the time of sentencing, or before sentencing if the Defendant consents, and shall be made part of the sentence and included in the judgment; and

IT IS FURTHER ORDERED that the United States may move at any time pursuant to Rule 32.2(c) and 21 U.S.C. § 853(p) to amend this Order of Forfeiture to include substitute property having a value not to exceed

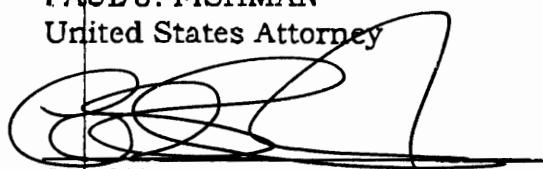
\$200,000.00 in United States currency to satisfy the forfeiture money judgment in whole or in part.

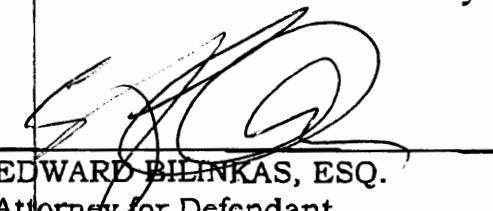
ORDERED this 14 day of May, 2013.

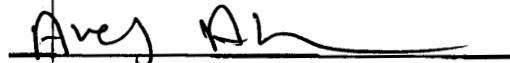

Honorable Dennis M. Cavanaugh
United States District Judge

The undersigned hereby consent to the entry and form of this order:

PAUL J. FISHMAN
United States Attorney


By: GURBIR S. GREWAL
Assistant United States Attorney


EDWARD BILINKAS, ESQ.
Attorney for Defendant
Aref Abuhadba


Defendant Aref Abuhadba

Dated: May 14, 2013

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